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SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 97: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/46/3, chap. VII, sect. H and Add.1, A/46/12 and Add.1, A/46/428, A/46/429, A/46/430, A/46/431, A/46/432, A/46/433, A/46/434, A/46/435, A/46/471, A/46/612, A/46/134 and Corr.1, A/46/568, A/46/139, A/46/323-S/22836, A/46/344 and A/46/501/Rev.1)

1. Mrs. Da SILVA-SUNIAGA (Venezuela) said that the claim to be establishing a just, equal and open world order after the collapse of the Berlin Wall would remain mere rhetoric unless situations as unjust as the existence of 17 million refugees in the world were corrected.

2. The increasingly interdependent international community was seriously affected by that problem and must find a strategy for dealing with refugees and displaced persons that would make it possible to give humanitarian aid to all those who needed it. That strategy should be based on three elements: a broader understanding of the term "refugee" which would include new variables and go beyond the traditional definition of a persecuted individual to cover whole groups of persons fleeing from dangerous situations; the establishment of machinery making it possible for those requesting it to make adequate use of the right of asylum; and consideration by the United Nations of the situation of the stateless.

3. With regard to the three goals established by UNHCR, her delegation considered that the emphasis should be placed on emergency situations in the programmes for refugee mothers and children. Voluntary repatriation seemed the best solution and should be backed up by national programmes for the reintegration of refugees and displaced persons. With respect to preventive action there was a need to improve information programmes and to deepen the cooperation between organizations.

4. The return to their homes of millions of Iraqis, 200,000 Afghans and a large number of Central Americans, and the likelihood that 300,000 Angolans and many South African victims of apartheid would soon join in that process, were undeniable achievements which were offset by the unsatisfactory progress made in Cambodia for lack of adequate funds.

5. It was paradoxical that the countries with the least economic resources were receiving the largest numbers of refugees and displaced persons; the burden should be more equitably distributed. From that point of view, the international community's response to UNHCR's requests for extraordinary contributions during 1991 were a step in the right direction. Her delegation hoped that that support would be sustained and increased and expressed its conviction that 1992 would be the year of voluntary repatriation.

6. Mr. SARDENBERG (Brazil) said that with the increased acceptance of the values of democracy and of the rule of law, and with more favourable conditions for the settlement of regional conflicts, conditions should result that would favour the return of the 17 million refugees scattered throughout the world to their countries of origin.

7. It was very likely that the trend towards life in exile that had been a feature of the last decade would soon be reversed and that 1992 could really be the year for voluntary repatriation, a desirable solution which did not detract from the value and importance of other solutions such as resettlement and integration in the new societies.

8. A serious problem remained, however. During the past 12 months there had been an unprecedented deterioration in the global refugee situation, mainly as a result of developments in the Middle East and Africa. It was therefore necessary to take measures like those recommended by the International Conference on Central American Refugees (CIREFCA) and to coordinate the work of UNHCR and the other United Nations bodies, on the understanding that they would continue to deal strictly with humanitarian problems without encroaching on the political field.

9. The mandate of UNHCR had been clearly established in the relevant United Nations instruments and in particular in the Statute of UNHCR and the 1951 Convention. A central element in that mandate was the notion of international protection as a specific form of international cooperation and as such it relied ultimately on acceptance of a certain number of norms and rules based on humanitarian goals.

10. Although the question of preventing refugee flows by addressing their root causes was one that deserved particular attention, the concept of root causes could include virtually all of the items on the international agenda, political and economic, and it was essential to keep in mind the need to distinguish humanitarian from political activities. For that reason, his delegation agreed with the High Commissioner that the task of addressing underlying causes of the refugee problem went beyond UNHCR's mandate. What was necessary was to achieve durable solutions for refugee problems within the bounds of that mandate.

11. It was his delegation's belief that the question of internally displaced persons required special attention. For that reason, it attached great importance to the analytical report to be submitted by the Secretary-General to the next session of the Commission on Human Rights, which was the most appropriate forum for dealing with the matter. There was a need for a universally acceptable definition of the characteristics of that group, as well as better understanding of the complexity of situations involving displacement and of the interplay of the many different legal aspects involved.

(Mr. Sardenberg, Brazil)

12. Such aspects included the right to life, liberty and security of person, the right to freedom of movement and residence within the borders of each State, the right of every one to leave any country and to return to his or her country, and the right to seek and enjoy asylum in other countries. As the High Commissioner had rightly pointed out, people moved not because they wanted to but because they had to. His delegation therefore considered that one of the best approaches that could be pursued in dealing with the root causes of refugee flows was to focus on the importance of the realization of the right to development as an inalienable human right and as an important factor in the promotion and protection of all human rights and fundamental freedoms.

13. Mr. ELIASSON (Sweden) said that the total of $850 million contributed to UNHCR in 1991 was a manifestation of the international community's confidence in the Office, above all after the excellent work it had done in recent critical situations. An important factor of that success had been the work of the Executive Committee in seeking solutions through the concerted efforts of UNHCR, the countries affected and others.

14. Legal protection of refugees was the basis of UNHCR's work, and in the fortieth year since the adoption of the Convention in 1951, encouraging additional accessions and the effective implementation of the Convention and other relevant international and regional instruments must be given prominence.

15. The protection of refugees had encountered major difficulties as the complexity of movements of people had increased. A significant number of people were fleeing not only from violence, whether from external aggression or domestic strife, but also from human rights violations and other actions that disturbed the public order. Natural or environmental disasters and extreme poverty were additional factors. Moreover, a growing number of people were seeking to improve their social and economic status by invoking the right of asylum, particularly when opportunities for regular migration were not available.

16. Sweden supported the High Commissioner's efforts to promote solutions through preventive measures at the source of the problem. UNHCR and the United Nations should play an important role in addressing the underlying causes of poverty and underdevelopment in order to prevent further exoduses of refugees.

17. In the past two years, Sweden had doubled its contribution to UNHCR, which currently exceeded $US 63 million. It had also substantially increased its annual refugee quota.

18. United Nations efforts in the Horn of Africa addressed a human tragedy of unprecedented dimensions. In the Middle East, the Organization was seeking to meet urgent humanitarian needs. Repatriation operations were taking place in

(Mr. Eliasson, Sweden)

South-East Asia, Western Sahara and southern Africa. While there was the hope that durable solutions would be found in some cases, it was also likely that new refugee situations would arise. The formidable tasks facing UNHCR in the years ahead would require a continued high level of financial support.

19. In order to ensure that the United Nations responded effectively in such cases, UNHCR and other competent agencies should strengthen their emergency response capacity. Sweden therefore fully endorsed the various measures that were being adopted within UNHCR to that effect. The Swedish Government was engaged in discussions with UNHCR regarding various arrangements under which Sweden's own natural disaster preparedness system could be utilized by the Office.

20. Sweden welcomed the continued efforts of the High Commissioner to strengthen cooperation with the World Bank, UNDP and other development organizations. The relationship between refugee aid, emergency relief and development must be stressed in all refugee situations. With respect to inter-agency cooperation, Sweden commended the ongoing discussions between UNHCR and WFP with a view to concluding an agreement on food aid.

21. During the past few years, unprecedented changes had taken place in the world. The cold war had ended and the winds of democracy and popular participation were blowing. The international community should take advantage of that opportunity. The High Commissioner had outlined a three-pronged strategy: prevention, emergency response and long-term solutions. That strategy should be supported by Member States, since its successful implementation would give millions of today's refugees prospects for a better future.

22. Mr. BULL (Liberia) said that it was a source of considerable concern that the world's refugee population had continued to increase and that over half of the estimated 17 million refugees were to be found in sub-Saharan Africa. Even more disturbing was the revelation that the root cause of the problem was due to man-made rather than natural phenomena. The tragedy of refugees, which had resulted in the victimization of women, children and innocent civilians, was a compelling moral argument for the international community to become more actively involved in the search for durable solutions to the problem.

23. The institutional reforms proposed by the High Commissioner to increase the Office's effectiveness and ability to respond merited the international community's fullest cooperation and support. His delegation welcomed the new emphasis on voluntary repatriation, which could serve as a durable solution to the problem.

24. Since the Liberian civil war in 1989, the Organization's response to that situation as well as to others, particularly in Iraq, Bangladesh and the Horn of Africa, was a shining example of its resourcefulness and the international community's commitment to respond to the humanitarian plight of refugees and

(Mr. Bull, Liberia)

displaced persons. The report of the Secretary-General on emergency humanitarian assistance to Liberian refugees and displaced persons (A/46/432) highlighted the continuing efforts of the United Nations to alleviate the crisis in Liberia. His delegation was grateful to the United Nations system and to governmental and non-governmental organizations for such assistance.

25. According to that report, there were more than 750,000 Liberian refugees in West African countries, particularly Sierra Leone, Guinea and Côte d'Ivoire. Many others had sought refuge elsewhere but were not classified as refugees. Even more alarming was the large number of children soldiers who would need to be rehabilitated and reintegrated into society. The serious implications of those problems required that timely consideration should be given to the assignment of a UNHCR representative in Liberia to assist the Liberian Government in carrying out repatriation, rehabilitation and resettlement programmes.

26. The repatriation and resettlement of refugees would assume major importance as efforts continued to be made to reach a political solution to the Liberian crisis. In that connection, his delegation was encouraged by the results of the fourth meeting of the Committee of Five of the Mediation Committee of the Economic Community of West African States, held at Yamassoukrou, Côte d'Ivoire, in October 1991. At that meeting, a decision had been taken for the immediate disarming of all combatants and the holding of elections within six months.

27. That experience had shown that humanitarian assistance could be effectively provided when the international community acted in concert and had the political will to tackle the problems that contributed to the crisis. He hoped that Member States would take appropriate decisions to strengthen the coordination of humanitarian emergency assistance in order to enable the United Nations to respond more effectively to such situations.

28. Mr. SINZINKAYO (Burundi) said that, as a result of Burundi's difficulties, a number of Burundian nationals were currently living abroad. The existence of Burundian refugees was due principally to the various divisions experienced by Burundi since its independence, which its political leaders had been unable to resolve. It would have been useless to seek a solution to the refugee problem without first dealing with its causes.

29. Consequently, the Government of the Third Republic of Burundi believed that the question of Burundian national unity should be the basis for all national policy. In 1989, a national committee had been established to study the question of national unity and had produced a report that had given rise to the Charter of National Unity, adopted by referendum in February 1991. As evidence of the security guaranteed under that instrument, all Burundian refugees had been invited to return to Burundi, without any conditions.

(Mr. Sinzinkayo, Burundi)

30. During 1988-1989, over 98 per cent of some 50,000 Burundi refugees in Rwanda had returned to their homes with assistance from UNHCR. Since December 1990 a campaign had been under way to encourage the return of Burundi refugees, with the collaboration of the receiving countries and UNHCR. A committee had been established in his country to coordinate the repatriation and reintegration of Burundi refugees.

31. Some 15,000 refugees had returned during October 1991. The local population had provided them with material and financial aid. The refugees' needs were extensive and international assistance was essential if they were to be met. His delegation expressed its appreciation to the countries, international organizations and private-sector donors which had provided support. It was also grateful to the United Republic of Tanzania, which had received the majority of Burundi refugees and had promised to grant Tanzanian nationality to those who decided to settle definitively in that country. It also should be noted that the United Republic of Tanzania, his own country and UNHCR had recently signed an agreement establishing a technical working group to find lasting solutions to the problem of Burundi refugees in the United Republic of Tanzania.

32. Mr. MONTAÑO VILLEGAS (Mexico) said that his delegation was convinced that a profound change was needed in the tasks carried out by UNHCR. New realities required adjustments to strengthen the new role of the Office, in the framework of the principles and purposes of the United Nations Charter. As the High Commissioner had pointed out, there was an inextricable link between human rights, refugees and development. A lasting solution to the refugee problem necessarily entailed a process of economic recovery, and that should be reflected in the renewed mandate of UNHCR.

33. His delegation wished to share with members of the Committee some thoughts prompted by the political upheavals in Latin America. The Cartagena Declaration on Refugees, adopted in 1984, had proved an effective instrument for the protection of refugees and the promotion of lasting solutions to refugee problems in Latin America. That instrument had incorporated a new definition of "refugee" - which should be adopted universally - eliminating the need to demonstrate that persecution was a factor. Furthermore, the Declaration provided a means to work out the compromises needed to reach lasting solutions, whether through voluntary repatriation or integration of the refugees in the country of asylum.

34. Also worthy of note were the situations of unacknowledged refugees, whose needs often had been shunted aside in emergency situations, and of internally displaced persons. Neither issue was unique to Latin America. As to the latter, although a coherent international doctrine was still a long way off, the mandate of UNHCR undoubtedly would incorporate conclusions reached on the subject.

(Mr. Montaño Villegas, Mexico)

35. He also wished to comment on a number of universally important issues, including the promotion of an understanding of human rights within refugee populations, measures to prevent major refugee flows, the rights of refugee women and children, the mental health of refugees and the organized participation of refugees, returnees and displaced persons in efforts to solve their problems. UNHCR clearly should be the focal point for the provision of emergency relief and assistance and the mobilization of organizations of the United Nations system and non-governmental organizations involved in such activities. The experience of UNHCR was the best guarantee of the success of such a broad undertaking.

36. His delegation considered voluntary repatriation to be a result of the process of the consolidation of democracy in the countries of Central America. It was therefore vital to encourage new forms of political agreement, the negotiated settlement of conflicts and new alternatives for development cooperation, all of which were vital for the establishment of a secure environment for the return of refugees. His delegation reiterated its unwavering respect for the principle that repatriation must be on a voluntary basis and supported planned programmes for the return of refugees on that understanding.

37. His Government welcomed all negotiations based on the search for a peaceful settlement without any interference whatsoever, and was grateful for the trust which the Governments of Guatemala and El Salvador and the armed groups had demonstrated in deciding to hold their discussions in Mexican territory. The renewed interest in repatriation in the countries of Central America called for joint efforts to support the basic economic and development infrastructures needed to ensure the success of the final and most important phase in the treatment of refugees, namely, voluntary repatriation.

38. With regard to the results achieved following of the convening of the International Conference on Central American Refugees (CIREFCA), he referred to a number of the projects and plans of action under way in various Mexican states to provide refugees with direct access to land and increase their level of self-sufficiency in order to improve their standard of living. Refugees of all ages had access to education, which would facilitate their participation in the labour force when they returned to their countries of origin. His Government's approach to refugee issues also focused on technical training, environmental protection and education and health programmes. However, the programmes carried out by CIREFCA under its current mandate, which would expire in 1992, would be ending, and he therefore urged donor countries to make generous contributions.

39. Although it was the responsibility of the receiving country to ensure the welfare of refugees, all Governments had the responsibility to prevent refugee outflows by making a firm commitment to provide their populations with stable political systems conducive to the welfare of society and sustained development.

(Mr. Montaño Villegas, Mexico)

40. His Government reiterated its desire for an integrated solution to the problem of refugees, as well as its belief that the problem should be approached on a strictly humanitarian and apolitical basis and its determination to respect the human rights of refugees and the principles governing their protection, in particular, non-refoulement, non-discrimination and non-expulsion.

41. Mr. BURCUOGLU (Turkey), speaking in exercise of his right of reply, rejected the assertions of Cyprus, which were aggressive and misleading. After reading out paragraph 5 of the report of the Secretary-General in document S/21183, paragraphs 1 and 3 of Security Council resolution 649 (1990) and paragraphs 3, 4 and 6 of Security Council resolution 716 (1991), he said that the basic requirements for a solution were the political equality of the two Cypriot communities, namely, the Turkish and the Greek communities, and the establishment of a new federal Cypriot State with two zones and two communities which were equal and held identical powers and functions. The Greek Cypriot community enjoyed representation, whereas the Turkish community did not and, consequently, was denied the right to reply directly, in Cyprus, to accusations from the Greek Cypriot community.

42. Mrs. KALEMA (Uganda), exercising her right of reply, referred to the remarks by the representative of Rwanda concerning the historical problem of Rwandese refugees. It was unfortunate that, instead of being grateful for the hospitality which Uganda had extended to at least 100,000 refugees, despite its own pressing political, economic and social problems, the Rwandese representative had decided falsely to accuse her country of being a party to the conflict.

43. It was Rwanda's responsibility to find a solution to the problem of its own refugees and Uganda and other countries in the region had supported efforts to that end. Before the attack on Rwanda by the Rwandese refugees, her own country had tried to persuade the Rwandese Government to take back its own nationals, but instead, the Rwandese Government had dragged its feet, hoping that the problem would resolve itself. Her country had tried to help solve the problem by taking part in all regional meetings to that end, and even had allowed an OAU military observer group and a Rwandese military team to verify allegations that there were RPF bases on Ugandan soil. The observer group had found those claims to be unfounded.

44. She hoped that the Government of Rwanda would refocus its efforts on the real problem and its root causes and take concrete steps to receive its nationals back in the interest of peace and stability in the region.

45. Mr. KASOULIDES (Cyprus), speaking in exercise of the right of reply, welcomed the unprecedented statement by Turkey that it was willing to abide by Security Council resolutions. Nevertheless, he pointed out that some resolutions, among them Security Council resolutions 541 (1983) and 550 (1874), had not been implemented. Turkey had been quick to misinterpret

(Mr. Kasoulides, Cyprus)

resolutions 649 (1990) and 716 (1991) and had had the temerity to circulate a four-page letter rejecting most of the constructive elements contained in those resolutions.

46. The representative of Turkey had given no explanation whatsoever for the actions of his country which had led to the displacement of one third of the Cypriot population; he urged Turkey to implement all the United Nations resolutions without exception.

47. Mr. HABIJAKARE (Rwanda) said he was surprised that the representative of Uganda felt that his country had been attacked, since he himself had not had a particular country in mind when he made his statement. None the less, the fact that Uganda thought it had been referred to meant there was something to the idea. He recalled the statement by the head of his country's delegation on 7 October and the statement by the President of the Republic in Abouja, which had shown that Uganda was supporting aggression against Rwanda. He described as bad faith and ill will the assertion that Rwanda had denied its nationals the right to return to their country. He asked the representative of Uganda whether the negotiations to which he had referred in his statement had been held and requested him to explain the purpose of those negotiations.

48. Mr. VIEIRA DE MELLO (Director of External Relations, Office of the United Nations High Commissioner for Refugees) said that during the general debate on item 97 there had been unanimous recognition that the problems of population movements, and of refugees in particular, had taken on greater proportions and become more complex despite clear signs of improvement in the international environment and in conditions at the national level which were causing forced flight. Despite the unprecedented generosity of the donor countries and other private funding sources, many special operations still did not have the necessary financial support to complete their work within the agreed upon time-frames. Noting that the pledging meeting was being held at that moment in another room at Headquarters, he expressed the hope that the UNHCR general programme would receive the necessary resources to begin its 1992 activities.

49. Many statements had referred to the nature and complexity of population movements, which made it even more difficult to establish a distinction between refugees and other categories of migrants. After reviewing the various positions taken by delegations with respect to the current definition of refugees, he noted that the issue was still under consideration by the Working Group on Solutions and Protection of the Executive Committee of the High Commissioner's Programme and that, in addition, UNHCR and ILO had just begun a research project on international assistance as a means of reducing the need to emigrate.

50. He welcomed the fact that various countries had reaffirmed their intention to ratify the Convention relating to the Status of Refugees and its Protocol. UNHCR also greatly appreciated the unanimous recognition that refugees in the conventional sense of the term must be strictly protected and

(Mr. Vieira De Mello)

that any measure which might deny that group access to procedures for asylum and determination of their status must be avoided. Nevertheless, two essential issues had been emphasized: harmonization of criteria and procedures, including the issues of safe countries and the application of the cessation clause, in which UNHCR intended to play an active role; and the importance of rapid classification of clearly abusive cases and of those cases which qualified for treatment under existing international law or any other current administrative regulations relating to tolerance. UNHCR had declared its intention to continue promoting rapid and just procedures, which would put an end to the abuse of procedures and of the institution of asylum itself. What remained was the subsidiary but no less important issue of refoulement of rejected cases; that was a difficult issue, which was probably the core of the problem of contemporary population movements.

51. Unless the necessary conditions were created, it was very difficult to prevent outflow, of whatever kind, or to ensure the voluntary or obligatory return of refugees and other types of migrants. It was clear that even with political changes and resolution of the military conflicts which made return possible, repatriation efforts would falter if they were not accompanied by subsequent efforts to make the returnees' reintegration into society an economically and socially viable process. Short-term assistance was merely a palliative measure which could turn out to be counterproductive just as political settlements of disputes, in and of themselves, did not necessarily bring about return.

52. In the areas of prevention and repatriation, decisive action on the economic and social fronts was as important as the mitigation or resolution of other poltical, ethnic, national or military disputes. Experience had shown that large-scale outflows could not be effectively contained unless migrants were given the material and psychological resources which would inspire confidence and give them hope in a future for themsleves in their countries of origin. Prevention policies, however far-reaching they might be in political, legal or human rights terms, and repatriation efforts were exercises in futility if they did not resolve the issue of the impossible coexistence of freedom and destitution. In practice, political liberalization in poor countries tended to generate emigration pressures.

53. The success of the voluntary repatriation strategy therefore depended on the establishment by countries of origin of conditions conducive to return and the ability of Governments and international organizations to provide country-of-origin authorities not only with short-term rehabilitation mechanisms but also with long-term development assistance. The High Commissioner had met the previous week with the Administrator of UNDP for the specific purpose of examining the relationship between repatriation of refugees and development. In that connection, contacts had been established with OECD and cooperation arrangements with the World Bank would be reviewed.

(Mr. Vieira De Mello)

54. UNHCR would continue to make every possible effort to take into account the impact of refugees on the infrastructure and environment of the host countries, as had been done to a limited extent in Honduras and Pakistan. The Office and the secretariat of the United Nations Conference on Environment and Development were examining ways to reflect in the Conference documentation the environmental and development problems engendered by mass population movements.

55. With respect to prevention, other types of assistance besides the promotion of development aid could be provided, in agreement with the countries concerned. The High Commissioner had mentioned in particular support for legal reforms, as in Albania, monitoring of rejected cases following repatriation to the country of origin, as in Viet Nam, and humanitarian assistance for internally displaced persons, as in Iraq.

56. With regard to its emergency response capacity, the Office was grateful that the measures announced by the High Commissioner had received support. Currently under consideration were ways to improve preparedness and response capacity in dealing with large-scale emergencies.

57. Several delegations had expressed support for comprehensive approaches to national and regional refugee problems. UNHCR agreed that it was necessary to seek those global solutions in an active manner, as demonstrated by its participation in the International Conference on Central American Refugees, Returnees and Displaced Persons (CIREFCA), and its Concerted Plan of Action. The Office had noted the comments offered in that regard, the need for a balanced implementation of the Plan of Action and the need to resolve the issue of repatriation of individuals determined not to be refugees.

58. In Africa, UNHCR had participated in the summit on Rwandese refugees, held at Dar-es-Salaam, which represented an unprecedented attempt to find a comprehensive solution to one of the most protracted refugee problems on the African continent. The Office, assisted by the Organization of African Unity (OAU), UNDP and other competent agencies, was preparing the plan of action requested at the summit, which it would submit in due course to a pledging conference. That approach could also be used to resolve the problem of refugees in other parts of the world, for example in the Horn of Africa, where the situation had reached horrifying proportions. Meetings of that type must be carefully prepared if they were to lead to coherent and viable solutions, within established time-frames and with a clear assignment of tasks. With the cooperation of the interested parties, UNHCR stood ready to repeat the process wherever and whenever necessary.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (A/46/67, 70, A/46/71-E/1991/9, A/46/72, 81, 83, 85, 95, 96, 99, 117, 121, 135, A/46/116-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205, 210, 226, 260, 270, 273, 290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, 322, 331, 332, 351, 367, 402, 424, 467, 485, A/46/486-S/23055, A/46/493, 526, 582, 587, A/46/598-S/23166; A/C.3/46/L.25)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (A/46/3 (chap. VI, sect. C), 40, 46, 392, 393, 394, 395, 490, 503, 618)

59. Mr. HOUSHMAND (Director, Implementation of International Instruments and Procedures Branch, Centre for Human Rights), introducing agenda item 98 (a), said that the reports presented to the Committee by the human rights treaty bodies demonstrated the wide scope and increasing effectiveness of United Nations activities in that area.

60. The international human rights treaty system could be improved in four basic areas. First, concerted efforts should be made to achieve universal ratification of the key instruments. As the Under-Secretary-General for Human Rights, Mr. Martenson, had suggested, universal ratification could be set as the objective for 1993 and ways should be sought of opening dialogue with those States which had not yet ratified the instruments in order to identify the obstacles impeding ratification.

61. Second, it was necessary to enhance the efficiency of the treaty-based bodies. Significant progress had already been made to that end with the consolidated guidelines, improved methods for the review of country reports and the adoption of follow-up mechanisms. Efforts must be made to improve material and financial support for the committees and to find effective solutions to the problem of overdue reports.

62. Third, it was essential to ensure the coherent functioning of the system's human rights bodies. Certain important measures had already been taken, such as the joint meeting of the Committee on the Elimination of Racial Discrimination and the Subcommission on Prevention of Discrimination and Protection of Minorities, the proposed meeting of various committees regarding the rights of the child and the designation of members in each committee to establish liaison with the other committees and to follow their work.

63. Fourth, the impact of the work of the committees at the national level should be enhanced. To that end, priority should be given to the incorporation into national legislation of international human rights standards and to ensuring the availability to lawyers, judges, and all persons concerned of the international human rights instruments, the views of the committees on communications and their general comments. That could be achieved through legal publications and by preparing indexes to the treaties and annotated texts of the instruments in force. Consideration could be given to the possibility of assembling all those texts in a single compendium, which would be easy to consult.

(Mr. Houshmand)

64. With regard to the effective implementation of the United Nations human rights instruments and the efficient functioning of the relevant bodies, he had several observations to make. First, the Committee would no doubt wish to take into account the information contained in the Secretary-General's report (A/46/503) on the deliberations of the Commission on Human Rights concerning the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies.

65. Second, the consolidated guidelines for the review of the initial part of the State party reports had been finalized earlier in the year and had been sent to more than 150 Member States, while the reporting manual prepared to assist States in fulfilling their reporting obligations had been made widely available in English and had been circulated in the other official languages as soon as the translations had been completed.

66. Third, the Secretary-General intended to invite Member States to make voluntary contributions to cover the installation cost of a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies.

67. Fourth, the Committee would have the opportunity to consider the report of the Secretary-General examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies, requested in resolution 1991/20 of the Commission on Human Rights. Information relating to the request for adequate staffing resources for the treaty bodies had been included in the report submitted by the Secretary-General in accordance with resolution 45/180.

68. The status of the Convention on the Rights of the Child had been determined in the Secretary-General's report (A/46/392). To date, 100 States had ratified or acceded to the Convention and a further 46 had signed it, thus demonstrating the clear commitment of the international community to the promotion and protection of children's rights.

69. In accordance with article 43 of the Convention, the States Parties had held their first meeting on 27 February 1991 and had elected the 10 expert members of the Committee on the Rights of the Child. In January 1991, the Centre for Human Rights had held consultations with the specialized agencies and with UNICEF to discuss their role in the implementation of the Convention and the contributions which they could make to the Committee's work. In May 1991, consultations had been held with intergovernmental bodies and non-governmental organizations. Following those consultations, and thanks to the cooperation of UNICEF, an informal meeting had been held at Geneva between those agencies and organizations and the new members of the Committee for an initial exchange of views. Those discussions had proved very useful for all the participants, clearly demonstrating readiness to support and cooperate with the Committee.

(Mr. Houshmand)

70. The Committee on the Rights of the Child had held its first official session from 30 September to 18 October 1991 at Geneva and had concentrated on procedural matters. The Committee had adopted an interim report on the work of its first session and had requested the Secretary-General to circulate the report during the current session of the General Assembly. He drew the Committee's attention to chapter I of the report (CRC/6/7), whose recommendations and conclusions were of an urgent character and would have financial implications.

71. The status of the two International Covenants on Human Rights and of the First Optional Protocol to the Covenant on Civil and Political Rights, adopted 25 years previously by the General Assembly, was described in document A/46/393. Since the completion of the Secretary-General's report, Albania, Estonia, Grenada and Israel had ratified or acceded to both Covenants, bringing to 103 the total number of States Parties to the International Covenant on Economic, Social and Cultural Rights and to 99 the total number of States Parties to the International Covenant on Civil and Political Rights. A further three States, Australia, Estonia and the USSR, had become parties to the First Optional Protocol.

72. On 11 July 1991 the Second Optional Protocol to the Covenant on Civil and Political Rights, concerning the abolition of the death penalty, had entered into force. The States Parties to that instrument to date were: Australia, Finland, Iceland, the Netherlands, New Zealand, Norway, Portugal, Romania, Spain and Sweden.

73. As stated in the report of the Human Rights Committee (A/46/40) on the work of the fortieth, forty-first and forty-second sessions, during that period the Committee had considered a total of 15 reports, had continued its revision of the general comments on articles 7 and 10 of the Covenant and had proceeded with the review of its working methods. In addition, it had dealt with a large number of communications under the Optional Protocol, adopting nine final views and declaring 16 cases inadmissible. Since that body had started its work in 1977, a total of 470 communications had been considered.

74. The report of the Committee on Economic, Social and Cultural Rights was contained in document E/1991/23. Since its establishment in 1987, the Committee had been concerned with improving its working methods. The finalization in 1990 of the Committee's rules and procedures, which had subsequently been approved by the Economic and Social Council, represented one important step in that direction. At its fifth session, the Committee had also completed its work on the revised reporting guidelines, which would greatly facilitate the task of States parties in fulfilling their reporting obligations. The Committee had urged that workshops should be organized at the national level to assist States in developing a better understanding of the Covenant and the new guidelines.

(Mr. Houshmand)

75. The Committee had also adopted a general comment on the nature of State party obligations under the Covenant. The Committee had emphasized that every State party had a core obligation to ensure the satisfaction of minimum essential levels of economic, social and cultural rights, although resource constraints must be taken into account in assessing the degree to which that obligation was being discharged. The Committee had also stressed that international cooperation for development in the realization of economic, social and cultural rights was equally an obligation of all States, and particularly of those which were in a position to provide assistance. The text of General Comment No. 3 was contained in annex III of the Committee's report.

76. He then turned to the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/46/394) and to the report of the Committee against Torture (A/46/46). The Convention had entered into force on 26 June 1987. In addition to the 61 States which had ratified or acceded to it, another 15 States had signed but had not yet ratified it. The optional provisions of articles 21 and 22 had also entered into force on 26 June 1987. Twenty-seven States parties had made the declarations provided for under the two articles and one State party had made the declaration provided for in article 21 only.

77. The Committee against Torture had held its fifth and sixth sessions at the United Nations Office at Geneva from 12 to 23 November 1990 and from 22 April to 3 May 1991. During the two sessions it had considered eight initial and two additional reports submitted by nine States parties. In closed meetings the Committee had continued its consideration of the information submitted under article 20 of the Convention. It had also considered four communications under article 22. The final decisions which had been adopted on two of them had been included in the relevant report.

78. He drew attention to General Assembly resolution 45/143 which had established the United Nations Voluntary Fund for Victims of Torture. The voluntary contributions received were distributed through established channels between the victims of torture and their relatives. The Secretary-General administered the Fund, assisted by a Board of Trustees consisting of five members with wide experience in the field of human rights. In April 1991, the Board had recommended to the Secretary-General that approximately $2.3 million should be allocated to 67 projects in 40 countries for the specialized treatment of torture victims in the fields of medical care, psychotherapy, social rehabilitation and the training of health personnel.

79. Document A/46/618 contained a list of the contributions received; they were clearly insufficient to meet the increasing requests for assistance.

80. Lastly, referring to the status of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (A/46/395), he said that, since the submission of the Secretary-General's

report, a second signature, that of Morocco, had been received. He also said that a fact sheet to promote greater awareness of the provisions of that Convention would be prepared in the near future.

81. Mr. de MARCHANT et d'ANSEMBOURG (Netherlands), speaking on behalf of the 12 States members of the European Community, noted with satisfaction the increasing number of countries which had ratified or acceded to human rights instruments, in particular, the International Covenant on Civil and Political Rights and its Optional Protocols, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child. He also stressed the importance of the new International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In order to avoid a possible weakening of the universal principles on which human rights were based, it would be preferable for any new instrument that was to be drafted to command a broad consensus on the part of the international community and for the international standards in the field of human rights, established in General Assembly resolution 41/120 of 4 December 1986, to be applied.

82. The implementation of those instruments was primarily the responsibility of States, and their Governments could not argue that necessary supervision by treaty bodies constituted interference in their internal affairs. The European Convention for the Protection of Human Rights and Fundamental Freedoms had been adopted under the auspices of the Council of Europe, which shared that view.

83. The Twelve considered it essential that the human rights treaty bodies should function effectively. To that end, periodic reporting by States parties and sufficient financial resources were imperative. In that connection, the Twelve welcomed the idea of promoting periodic meetings of persons chairing the human rights treaty bodies with a view to increasing interaction between them and between the supervisory committees and other competent bodies. The Twelve also welcomed the recommendation that rapporteurs from each treaty body should be appointed to report on the work of other treaty bodies, and the idea of introducing innovative methods of exchanging information. The meetings of persons chairing the human rights treaty bodies could make useful recommendations to the United Nations World Conference on Human Rights which would be held at Berlin in 1993.

84. The General Assembly should continue to emphasize the importance of adequate and timely reporting by States parties to the various treaties. Experience showed that great bureaucratic difficulties must be overcome in order to draft such reports; for that reason, the Twelve welcomed the publication by the United Nations Institute for Training and Research (UNITAR) of the Manual on Human Rights Reporting, which contained very useful instructions and guidelines for Governments.

(Mr. de Marchant et d'Ansembourg, Netherlands)

85. The Twelve also attached great importance to the individual complaints procedures laid down in the First Optional Protocol to the Covenant on Civil and Political Rights and in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, as well as in the European Convention for the Protection of Human Rights and Fundamental Freedoms. The proper and timely handling of individual complaints was essential for maintaining a high standard in bringing justice to victims of human rights violations.

86. It was imperative that the Centre for Human Rights should have sufficient staff to provide effective services to the treaty bodies. The workload had increased significantly in recent years. That and other matters had received urgent attention from the General Assembly at its previous session (resolution 45/85). On the basis of the report to be submitted by the Secretary-General in accordance with that resolution, the Twelve would be in a better position to judge whether the necessary provisions for adequate staffing had been made, not only for the various sections, but also for the Centre as a whole.

87. The Twelve expressed their concern at the financial difficulties which some of the treaty bodies were facing. He urged those States parties which were in arrears to pay their financial contributions. The non-payment of contributions endangered the conference schedule of the Committee on the Elimination of Racial Discrimination and the Committee against Torture. Measures must be adopted to enable those Committees to fulfil their respective mandates.

88. The Twelve recognized that the United Nations and its Member States bore a common responsibility for the effective functioning of the treaty bodies. The meeting of persons chairing the treaty bodies had made recommendations on that question, which was also dealt with in paragraph 14 of Commission on Human Rights resolution 1991/20. During the current session of the General Assembly, short- and long-term solutions to remedy that situation should be adopted.

89. Concerning the supervisory treaty bodies, the Human Rights Committee had examined several reports of States parties with its usual thoroughness. The European Community commended the Committee on its excellent work. The Committee had proved to be alert to the specific case of Iraq, which had complied with its obligation to submit its third periodic report only after a specific decision to that effect by the Human Rights Committee. During the discussion of the report by the Human Rights Committee, the Iraqi delegation had questioned the Committee's mandate to inquire into the implementation of the right to life, on the grounds that the Security Council had already dealt with the issue. That argument was unacceptable, because the Human Rights Committee had a clear and autonomous mandate to verify compliance with all obligations laid down in the Covenant.

(Mr. de Marchant et d'Ansembourg, Netherlands)

90. The Human Rights Committee was continuing its useful practice of drafting general comments on specific articles of the Covenant. It had begun updating the general comments on articles 7 and 10, which dealt primarily with the inherent dignity of the human person. It was, however, important to clarify the difference between the two articles. Article 7 addressed very grave violations of the inherent dignity of the human person, irrespective of whether the person was denied his or her liberty, whereas article 10 was applicable only within the context of the deprivation of liberty. The Twelve welcomed the initiative of the Committee in starting preparatory work on the general comments on articles 18, 25 and 27.

91. The Committee on Economic, Social and Cultural Rights had shown a creative and dynamic approach to supervisory work. The 1990 session excepted, the Committee had found time to have a general one-day discussion on specific articles or aspects of the Covenant. In 1991, the Committee would focus on economic and social indicators for measuring progress in the implementation of the Covenant. It would be interesting to learn the Committee's views, among other things, on the report on economic, social and cultural rights of the Special Rapporteur of the Subcommission on Prevention of Discrimination and Protection of Minorities. The European Community was also pleased to learn that the Committee would take up the preparation of a general comment on article 2, paragraph 2, regarding the non-discrimination clause.

92. In the view of the Twelve, the Committee's dynamic approach was also manifest in its general comments on article 22, in which a number of guidelines were given for the role that the United Nations development agencies and programmes could play with regard to the progressive implementation of human rights. The general comment on the nature of the obligations of the States parties (art. 2, para. 1) was a valuable contribution to a better understanding of the duties of States parties to implement the Covenant, especially with regard to the term "progressive realization" as used in that instrument. The European Community also underscored the importance of article 23 of the Covenant, as well as the obligation of States to cooperate in the field of development (arts. 55 and 56 of the Charter and art. 4 of the Declaration on the Right to Development).

93. In re-examining some of the principles incorporated in the Declaration on the Right to Development, adopted by the General Assembly in 1986, it was possible to see elements of the relationship between economic development and respect for human rights. The Twelve welcomed the increased recognition of the relationship between democracy, human rights and sustainable development in the development debate because those elements were essential for dynamic economic development and equitable distribution. Needless to say, the European Community supported the idea of a development process in which the individual was at the centre and was the main actor and beneficiary.

(Mr. de Marchant et d'Ansembourg, Netherlands)

94. The Twelve commended the excellent report by the Committee on the Elimination of Racial Discrimination, which had taken the important decision that its members could make use, as independent experts, of all available sources of information, governmental as well as non-governmental. They welcomed that decision, as it would permit a more thorough examination of States reports, and also endorsed other new procedures in the work of the Committee aimed at improving its efficiency.

95. The Committee against Torture was establishing itself as a supervisory body that scrutinized reports by States Parties to the Convention against Torture in a critical but constructive manner. It had established efficient working methods by drawing upon the experience of other treaty bodies. It was important for Governments to cooperate with the Committee. In one case, for example, the Committee had decided to request the Government of China to submit an additional report by 31 December 1990, and that request had remained unanswered. The European Community considered that States parties must abide fully by their obligations to cooperate with the Committee.

96. The Committee might also adopt the practice of making general comments on specific articles of the Convention, based on the experience acquired during the consideration of reports. The European Community noted with concern that, despite some positive elements, the report of the Special Rapporteur on Torture had again reflected a horrifying picture of the use of torture in modern times. The number of communications on alleged cases of torture or severe maltreatment as well as urgent appeals had again increased. Although it was encouraging to note that more Governments were providing information and cooperating with the Special Rapporteur, the Twelve would welcome it if more Governments invited the Special Rapporteur to visit their countries.

97. The Community favoured closer contacts and exchanges of information between the Special Rapporteur on Torture and the Committee against Torture and supported the Special Rapporteur's recommendations, particularly those contributing to the prevention of torture and those dealing with the provision of advisory services. It was deeply concerned that in some cases persons belonging to the medical profession were involved, directly or indirectly, in the practice of torture and considered that the ethical standards adopted in 1982 in General Assembly resolution 37/194 should be strictly observed by all.

98. The European Community welcomed the entry into force of the Convention on the Rights of the Child. The speed with which States had become parties to the Convention should serve as an encouragement to the Committee. After giving a brief description of the work of the newly elected Committee on the Rights of the Child, he said that the Twelve were confident that it would play an important role in enhancing the protection of that most vulnerable group. Nevertheless, the Committee's unprecedented workload of States reports to be examined, for which it had only one session per year, should be looked into at the current session of the General Assembly.

(Mr. de Marchant et d'Ansembourg, Netherlands)

99. With regard to the Second Optional Protocol on the abolition of the death penalty, the European Community urged those States that could do so to become parties to that instrument and those that had not yet abolished capital punishment to consider refraining from carrying out the death penalty.

100. In respect of the setting of new standards, the European Community would welcome the adoption of the principles and guarantees for the protection of persons detained on grounds of mental ill-health or suffering from mental disorder and expressed satisfaction that those guarantees would protect such individuals from possible future violation of their fundamental rights if they were detained for reasons of mental illness. The Twelve commmended the Working Group of the Subcommission on Prevention of Discrimination and Protection of Minorities and the working group of the Commission on Human Rights for their efforts to achieve those results.

101. Mr. HUSAIN (Iraq), speaking in exercise of the right of reply, rejected the allegation of the representative of the Netherlands that Iraq had called into question the mandate of the Committee with regard to the right to life. In support of his argument, he explained how his delegation had proceeded, saying that it had participated in the debate on the report submitted by Iraq on the implementation of the resolutions of the Human Rights Committee, and he reiterated that his country had not and would not call the Committee's mandate into question.

The meeting rose at 3.55 p.m.

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

THIRD COMMITTEE
40th meeting
held on
Wednesday, 13 November 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman: Mr. AL-SHAALI (United Arab Emirates)

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The meeting was called to order at 10.05 a.m.

AGENDA ITEM 98: HUMAN RIGHTS QUESTIONS (continued) (A/46/67, 70, A/46/71*-E/1991/9*, A/46/72, 81, 83, 85, 95, 96, 99, 117, 121, 135, A/46/166-E/1991/71, A/46/183, A/46/184-E/1991/81, A/46/205*, 210, 226, 260, 270, 273, 290, A/46/292-S/22769, A/46/294, A/46/304-S/22796, A/46/312, 322, 331, 332, 351, 367, 402, 424, 467, 485, A/46/486-S/23055, A/46/493, 526, 582, 587*, A/46/598-S/23166; A/C.3/46/L.25)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/46/3 (chap. VI, sect. C), A/46/40, 46, 392-395, 490, 503, 618)

1. Mr. BITAR (Lebanon), confining his comments to questions concerning the rights of the child, said that the tragic war in his country had touched every segment of Lebanon's society, but had left a particularly heavy imprint on children, whose plight was a matter of high priority for his Government. Some 1.4 million Lebanese had been displaced during the war, 800,000 of them permanently. Mass emigration had been one of the most destructive by-products of the conflict. Whereas physical evidence of massive destruction was everywhere, the cultural, psychological and emotional impact on Lebanese children had been equally tragic, owing to loss of education, abandonment, severe post-traumatic stress, permanent disability, death of parents, malnutrition and disease. Numerous studies suggested that half the children residing in Beirut were suffering from psychosomatic illnesses or had symptoms of anxiety or depression. Extensive damage to the Lebanese educational system denied children their right to learn. One of the direct results of the war had been the orphaning and abandoning of children. The country's 80 orphanages were overfilled.

2. A national survey conducted in 1990 by the Ministry of Health and Social Affairs in conjunction with the United Nations Children's Fund (UNICEF) and with the technical support of the World Health Organization (WHO) had estimated the infant mortality rate to be 35 per thousand, due to hygiene-related diseases but also to the situation of mothers: the survey had found a striking relationship between a woman's educational status and child mortality. An infant born to an illiterate mother was eight times more likely to die before its first birthday than an infant born to a mother with a university education, but a small amount of education had been found to have a dramatic impact on lowering child mortality. The study also showed that a child born to a working mother was almost twice as likely to survive to the age of five than a child born to a non-working mother.

3. His Government commended the work of UNICEF in Lebanon and elsewhere in the world and expressed its appreciation to that and other United Nations agencies, as well as to local and national non-governmental organizations for their efforts, which would continue to be needed.

(Mr. Bitar, Lebanon)

4. His Government had set up a strategy to provide better assistance to children; it would include a vaccination programme, reactivation of the country's public hospitals, and a new social security system. In education, Lebanon was considering ways to improve the working conditions of teachers, repair schools and create kindergarten and day-care facilities, and also sought to reopen rehabilitation centres and institutions for the mentally and physically disabled.

5. Lebanon had signed and ratified the Convention on the Rights of the Child and was working towards a lasting peace in which its children would live in harmony and dignity.

6 Mr. PIZARRO (Chile) said that, for his Government, respect for human rights was not merely an internal affair of States. Such rights drew their legitimacy from the intrinsic dignity of the human person. Chile considered human rights to be indivisible, and all rights recognized in the various international human rights instruments must be respected. Democracy, a fundamental and universal human right anchored in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, included the right to political participation and freedom of expression, association and assembly. Respect for human rights and democracy was also crucial for ensuring all economic, cultural and social rights.

7. By its very nature, democracy could not, however, be imposed from outside. It must be based on the free will of the people, who had the inalienable right to take measures to protect their democratic system, consistent with international law and respect for the right to self-determination of other peoples.

8. A number of democratic States had developed forms of solidarity to deter threats to and interruption of democratic processes. That was already a reality in the inter-American system. Meeting in Santiago, Chile, in June 1991, the Organization of American States (OAS) had approved a resolution on taking speedy and effective measures to promote and defend representative democracy. Another resolution instructed the Secretary-General of OAS immediately to convene a meeting of the Permanent Council when events took place that interfered with the democratic political process or the legitimate exercise of power of a democratically elected Government in one of the member States.

9. The OAS had given a first example of its determination to implement those two resolutions in connection with the recent coup in Haiti: the Permanent Council had met to implement the resolution on representative democracy, and an ad hoc meeting of ministers for foreign affairs had been convened, which had firmly condemned the coup in Haiti, appointed a high-level ad hoc committee to visit Haiti to persuade the de facto leaders to restore power to President Aristide, called for the diplomatic isolation of those holding power in that country, urged an immediate freeze of all Haitian assets and the

(Mr. Pizarro, Chile)

imposition of a trade embargo, recommended a suspension of all aid to the Haitian dictatorship, asked all States to abstain from granting Haiti any military or political assistance, requested the Inter-American Commission on Human Rights to adopt measures in defence of human rights in Haiti and called upon the States Members of the United Nations to take action.

10. His delegation was convinced that the pressure exerted by the OAS upon the leaders of the coup would eventually achieve results and would also deter attempts to interfere with the democratic process in other countries of the continent.

11. As to the funds earmarked for the promotion and protection of human rights activities, it was the view of his Government that the proposed 1 per cent allocation for the next biennium was insufficient, given the importance of those activities. In Chile, the vigilance and solidarity of the United Nations human rights bodies, including the Third Committee, had enabled many lives to be saved and had drawn world attention to Chile's fate; that had been an invaluable moral support in the fight to restore democracy in that country. His delegation called upon the international community to increase significantly funds for promoting human rights.

12. Mr. HJELDE (Norway), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden) and confining his comments to matters concerning the Convention on the Rights of the Child, said that the great susceptibility of children to abuse and exploitation had lent special urgency to the protection and promotion of their rights. States parties had committed themselves to the principle that every child must enjoy the rights contained in the Convention and that the best interests of the child must be a primary consideration in all actions concerning children. Any reservation by States parties that ran counter to those principles or to the intentions of the Convention were incompatible with it.

13. The Nordic countries encouraged those States that had not yet done so to become parties to the Convention and regretted that far too many States parties had not implemented its provisions. The increasing number of States parties had not led to a corresponding decrease in the number of alarming reports of violations of children's rights. The international obligations under the Convention must be respected as faithfully as those under any other international instrument.

14. States parties to the Convention, and States Members of the United Nations in general, must reaffirm their commitment to take action for the benefit of the world's children by adopting decisions at the current session on the functioning of the Committee on the Rights of the Child, which, in view of its enormous task, had appealed to the General Assembly for further resources.

(Mr. Hjelde, Norway)

15. In the view of the Nordic countries, the United Nations had a clear duty to ensure that the Committee on the Rights of the Child became an effective instrument for the protection and promotion of children's rights. The Committee had estimated that it needed at least two sessions of two weeks each per year in order to cope with its task, and even more during the years 1993-1995. The General Assembly must give due consideration to meeting the Committee's requirements. The Nordic countries attached great importance to the ability of the Committee to follow up requests from States parties for technical advice or assistance.

16. It was of fundamental importance to respect the physical integrity of all children. The Nordic countries unequivocally condemned the exploitation of children in any form, such as the sale of children, child prostitution and child pornography as well as the exploitation of child labour. Those evils must be combated vigorously. The Nordic countries welcomed the work done by the Special Rapporteur on the exploitation of children, and looked forward to contributing to the follow-up to his report.

17. Related to the child's right to physical integrity were the problems of harmful traditional practices affecting girls. It was the understanding of the Nordic countries that article 24 of the Convention prohibited female circumcision. That article implied action at the national level, for example in terms of legislation, education and information. It also called for the involvement of the international community. The Working Group on Traditional Practices and the Subcommission on Prevention of Discrimination and Protection of Minorities had contributed to an increasing awareness by the international community of the seriousness of those practices.

18. A recent United Nations regional seminar on traditional practices held in Ouagadougou had concluded that such practices persisted because of the lack of political will of many States and the failure to inform and educate the public. Without religious or racial prejudice, the Nordic countries appealed to all Governments to do their utmost to put an end to practices such as female genital mutilation, which represented an unacceptable assault on the physical and moral integrity of girls and women.

AGENDA ITEM 92: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/46/L.8, L.9, L.11*)

19. The CHAIRMAN invited the Committee to consider draft resolutions A/C.3/46/L.8, L.9, and L.11*, which had no programme budget implications.

Draft resolution A/C.3/46/L.8

20. The CHAIRMAN said that Canada and New Zealand had joined the sponsors.

21. Mr. KOTEY (Ghana) said that his delegation wished to become a sponsor.

22. Draft resolution A/C.3/46/L.8 was adopted without a vote.

Draft resolution A/C.3/46/L.9

23. The CHAIRMAN said that the draft resolution had been submitted by Ethiopia on behalf of the Group of African States.

24. Mr. HJELDE (Norway), supported by Mrs. WARZAZI (Morocco), asked if consideration of the draft resolution could be postponed for a few days to allow further time for consultations with a view to achieving a consensus.

25. It was so decided.

Draft resolution A/C.3/46/L.11*

26. The CHAIRMAN said that Angola, Burkina Faso, Iraq, the Libyan Arab Jamahiriya, Mozambique, Namibia, Uganda and Viet Nam had joined the sponsors.

27. Mr. VAN DER HEIJDEN (Netherlands), speaking in explanation of vote before the vote on behalf of the 12 States members of the European Community, said that their vote had no connection with their views on apartheid, which had been clearly expressed in their statement to the Committee. They had repeatedly condemned apartheid, called for its abolition and taken practical measures against it.

28. The Twelve noted that some controversial phrases in resolutions of previous years did not appear in the present draft, but, while supporting the stated aim of the International Convention on the Suppression and Punishment of the Crime of Apartheid, they were not parties to the Convention and had serious reservations concerning the means envisaged in it. They could not support the language used in certain paragraphs, nor the wording on which in previous years a separate vote had been cast.

29. The Twelve had noticed with concern that the draft resolution did not take adequate account of the practical and political efforts of the international community, including the European Community and its member States, to contribute to the abolition of apartheid. Nor did it reflect the significant changes that had taken place in South Africa which should lead to the establishment of a democratic, non-racial, united country.

30. A recorded vote was taken on draft resolution A/C.3/46/L.11*.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab

Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

31. Draft resolution A/C.3/46/L.11* was adopted by 96 votes to 1, with 36 abstentions.

32. The CHAIRMAN invited delegations that so wished to explain their vote.

33. Mr. LINDGREN ALVES (Brazil), said that he had voted in favour of the draft resolution, on the understanding that its main purpose was to reaffirm the international community's commitment to eradicating apartheid. However, Brazil was not a party to the Convention and had doubts about some aspects of the draft resolution.

34. Mr. MARKS (United States of America) said that, although his country strongly opposed racial discrimination and recognized that apartheid was a violation of human rights, it had voted against the draft resolution because it opposed the Convention, particularly at a time when irreversible progress had been made in dismantling apartheid in South Africa. The term "crime against humanity" should be construed strictly in keeping with the Charter of the Nürnberg Tribunal: the definition of that term in the Convention was too broad and ambiguous, and the unbalanced wording of the draft resolution failed to respect the spirit and letter of General Assembly resolutions S-16/1 and 45/90.

35. Mr. PARSHIKOV (Union of Soviet Socialist Republics) said that his delegation had abstained, but it reserved the right to speak in explanation of vote when the draft resolution came before the plenary Assembly.

36. Mr. STUART (Australia) said that his delegation had abstained because Australia was not a party to the Convention, which contained fundamental legal concepts that it did not accept.

37. Miss RAYNATOU (Niger) said that she had voted in favour of the draft resolution but her vote had not been recorded.

38. Ms. COOMBS (New Zealand) said that her delegation had abstained because, for legal reasons, New Zealand was not a party to the Convention. That did not affect its commitment to the international campaign to eliminate apartheid.

39. Ms. MANSARAY (Sierra Leone) said that her delegation had voted in favour of the draft resolution.

40. Mrs. MBELLA NGOMBA (Cameroon), Mr. HABIJAKARE (Rwanda), Mrs. OUEDRAOGO (Burkina Faso) and Mrs. SIMON (Vanuatu) said that if they had been present for the vote they would have voted in favour.

AGENDA ITEM 93: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)
(A/C.3/46/L.10/Rev.1, L.12, L.13/Rev.1)

41. The CHAIRMAN invited the Committee to consider draft resolutions A/C.3/46/L.10/Rev.1, L.12 and L.13/Rev.1, which had no programme budget implications.

Draft resolution A/C.3/46/L.10/Rev.1

42. The CHAIRMAN read out the minor revisions made orally at a previous meeting by the representative of Gabon when introducing the revised draft resolution on behalf of the Group of African States. He invited delegations that so wished to explain their vote before the vote.

43. Mr. NAIM (Israel) said that, although the Committee's decisions were merely recommendatory, they must still be grounded in morality if they were to be acceptable to Governments and public opinion and they must also reflect reality. The draft resolution was, however, unjust, morally bankrupt and not helpful to the peace process, and it completely ignored the historic Madrid Conference. Instead of reflecting the reality of the present world order, it was a relic of a past era. Member States should make it clear that the world had entered a new era, and the most effective way to do so would be to vote against the draft resolution.

44. Mr. KHALIL (Egypt), speaking on behalf of the Group of Arab States, said that the Group would vote in favour of the draft resolution, in affirmation of the United Nations central role and responsibility for helping oppressed peoples to exercise their right of self-determination, in accordance with Article 1, paragraph 2, of the Charter.

45. The draft resolution deliberately avoided condemnatory wording. The Arab Group welcomed the current Middle East peace talks and hoped that they would result in a lasting, just and comprehensive peace, guaranteeing the right of self-determination of the Palestinian people in accordance with the relevant United Nations resolutions. The Arab States called upon all parties to avoid

(Mr. Khalil, Egypt)

action which would obstruct the move towards peace or create mutual suspicion of intentions. Meanwhile, the Group would continue to associate itself with the United Nations in calling on Member States to respect human rights and to work for self-determination in South Africa and Palestine.

46. Mr. SAHRAOUI (Algeria) said that the draft resolution reflected the sad realities of daily life faced by the Palestinians. A vote in favour would help to end their sufferings.

47. A recorded vote was taken on draft resolution A/C.3/46/L.10/Rev.1.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burundi, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Gabon, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Qatar, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Argentina, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Iceland, Israel, Italy, Luxembourg, Netherlands, Norway, Panama, Poland, Romania, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Australia, Austria, Belarus, Costa Rica, El Salvador, Estonia, Fiji, Greece, Hungary, Ireland, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Malta, New Zealand, Papua New Guinea, Paraguay, Portugal, Republic of Korea, Spain, Turkey, Ukraine, Union of Soviet Socialist Republics, Uruguay.

48. Draft resolution A/C.3/46/L.10/Rev.1 was adopted by 93 votes to 21, with 27 abstentions.

49. The CHAIRMAN invited delegations that so wished to explain their vote.

50. Mrs. de St. MALO (Panama) said that her delegation's vote against the draft resolution in no way signified that her country opposed peoples' right of self-determination, one of the foundations of democracy and human rights. Her Government recognized the need to end apartheid and noted the changes that had occurred in that direction; it also recognized the inalienable rights of the Palestinian people and the need for a solution to the Middle East conflict. However, the draft resolution ignored the international community's efforts for peace in the Middle East, including the historic Madrid Conference, and was therefore counter-productive.

51. Mr. VAN DER HEIJDEN (Netherlands), speaking on behalf of the 12 States members of the European Community, said that the Twelve firmly supported the right to self-determination but, as in previous years, had been unable to support the draft resolution under consideration. While there had been a relative improvement in certain parts of it, several remaining elements raised substantial difficulties. Although some new paragraphs dealt with the significant changes that had taken place over the past year in southern Africa, the text did not take into full account the events in South Africa, which included the adoption of important measures contributing to the goal of establishing a democratic, non-racial and united South Africa.

52. Although paragraph 2 had been changed as compared with the previous year's text, the reference in that paragraph to the "struggle in all its forms" still raised problems. The United Nations should above all encourage peaceful solutions to international problems. Moreover, the Twelve did not accept the assertion that the maintenance of relations with a State necessarily implied encouragement or approval of that State's policies.

53. As regarded the Middle East, the European Community and its member States had repeatedly deplored Israel's repressive measures in the occupied territories. Lasting peace could only be achieved if the rights of all States in the area, including Israel, to exist within secure, recognized and guaranteed borders was confirmed and if the right of Palestinian people to self-determination, with all that implied, was also fully recognized. The Peace Conference, leading to negotiations between the parties, offered real prospects for peace in the region.

54. The Twelve had, at an early stage, contacted the sponsors in an effort to bring the text, as well as other relevant draft resolutions, into greater conformity with recent developments, inter alia, in South Africa, as reflected in the Secretary-General's report on the implementation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa. That Declaration, as well as the Harare Commonwealth Declaration of 20 October 1991, constituted a sound basis for reaching common ground on the assessment of political developments in the region. Unfortunately, the efforts of the Twelve had not been successful. They hoped that in the future the dialogue with the authors of those draft resolutions would be deepened so that consensus could be reached, and would make every effort to that end.

55. Ms. LISSIDINI (Uruguay) said that her delegation had abstained in the vote because, while it supported the spirit of the draft resolution as far as self-determination was concerned, the text was not well-balanced and did not adequately reflect the current Middle East negotiations. A more moderate tone would have helped to improve conditions for dialogue and negotiation, thus contributing to peace in the region.

56. Mr. LINDGREN (Brazil) said that his delegation had voted in favour of draft resolution A/C.3/46/L.10/Rev.1 in accordance with its strong support for efforts to eradicate apartheid and ensure universal respect for the right of peoples to self-determination. Nevertheless, his delegation believed that in certain parts of the text a more focused and better-balanced wording could have been used without weakening the draft resolution. Furthermore, the text did not cover all aspects of the situation in South Africa, including some recent positive developments.

57. Brazil strongly supported all efforts being undertaken to achieve a comprehensive solution to the situation in the Middle East and resolve the question of Palestine. His Government had welcomed the holding of the Madrid Conference as an important step in that direction and believed that all parties should display a spirit of understanding and goodwill to ensure success.

58. Mr. TROTTIER (Canada) said that his delegation had voted with some regret against draft resolution A/C.3/46/L.10/Rev.1 because the text still retained certain historical baggage. Nevertheless, for the first time there had been a willingness on the part of the sponsors to update the text, particularly with regard to South Africa. He hoped that that augured well for the upcoming debate on apartheid, in which Canada intended to participate actively, and that that would promote further progress towards self-determination. The consensus reached on draft resolution A/C.3/46/L.12 demonstrated that agreement could and should be achieved on that important question.

59. Mrs. Da SILVA (Venezuela) said that her delegation had voted in favour of the draft resolution because Venezuela always acted in accordance with General Assembly resolution 1514 (XV) and fully endorsed all initiatives favouring dialogue and the peaceful settlement of disputes. Nevertheless, in some paragraphs her delegation would have preferred language that more objectively reflected the positive developments taking place in the Middle East. Efforts to resolve complex conflicts should not be complicated through inappropriate language.

60. Mr. SZELEI (Hungary) said that, while he recognized the efforts of the main sponsors of the draft resolution to reformulate certain elements of the text which had given rise to useless confrontation, his delegation felt that the draft resolution was seriously impaired by language inherited from the past. It was regrettable that consultations had failed to yield tangible results. Hungary hoped that a willingness to judge certain developments on their merits would prevail in the Committee, particularly with regard to the

(Mr. Szelei, Hungary)

positive political processes under way in South Africa and to the historic Middle East Peace Conference. Accordingly, his delegation had been unable to support the draft resolution.

61. Mr. STREJCZEK (Poland), speaking also on behalf of Czechoslovakia, said that they firmly supported the right of peoples to self-determination and strongly opposed racial discrimination and apartheid. It was therefore a matter of regret that the two delegations had been forced to vote against draft resolution A/C.3/46/L.10/Rev.1 because of both its substance and its wording. The draft resolution failed to take genuine account of the recent positive developments in South Africa and in the Middle East, especially the Madrid Conference. The wording of some paragraphs hearkened back to the cold-war era and should be changed.

62. Ms. TERANISHI (Japan) said that she had abstained in the vote in accordance with her country's position on the resolution on the same item adopted in 1990. Japan supported the right to self-determination and respect for human rights. Nevertheless, it was concerned about several paragraphs in the draft resolution which did not reflect recent positive changes in the Middle East and South Africa. She hoped that the adoption of the draft resolution would not impede the efforts by the parties concerned to achieve peace in the Middle East and eliminate apartheid in South Africa.

63. The international community should encourage such efforts at that crucial stage in the post-cold-war era rather than level harsh accusations that could only increase confrontation. There was a need to send a strong signal that the international community supported all attempts to bring about constructive solutions. Her delegation therefore hoped that in future the draft resolution on that item would be worded in a more balanced manner and take account of positive elements.

64. Mr. MAQUIEIRA (Chile) said that his delegation had voted in favour of the draft resolution in accordance with its support for the right to self-determination. Nevertheless, Chile would have preferred a positive reference to the process begun at the recent Madrid Conference, to which all parties concerned had contributed. He hoped that the Conference would be the first step towards peace and stability in the Middle East.

65. Mr. MARKS (United States of America) said that he had voted against the draft resolution because it did not reflect the reality of the changing situations in South Africa and the Middle East. His delegation was profoundly disappointed that the sponsors had failed to take account of most of the constructive suggestions submitted by concerned delegations during the drafting of the text. In view of the large number of abstentions and votes against the draft resolution, many other delegations obviously shared that view. He urged the sponsors to approach negotiations at the next session of the General Assembly with a commitment to work towards a truly fair and balanced text that could contribute to the peace process rather than obstruct

(Mr. Marks, United States)

it and he hoped that conditions in South Africa and the Middle East would continue to justify major improvements in the text.

66. The human rights situation in South Africa was of continuing concern to his country, which emphatically opposed apartheid. The language of draft resolution A/C.3/46/L.10/Rev.1 failed to advance the debate on the issue and the references to the South African regime were not acceptable. Qualifying apartheid as a crime against humanity was ill-advised because that did not meet the precedents laid down by the Nürnberg Tribunal. In view of the progress recently made by the South African Government and other parties, his delegation continued to oppose calls for comprehensive and mandatory sanctions against that country.

67. With regard to the situation in the Middle East, important negotiations were taking place among interested parties in the region. His delegation noted that the representative of Egypt, speaking on behalf of the Group of Arab States, had made specific and favourable references to the Madrid Conference and its import. The United States was profoundly disappointed that the sponsors of the draft resolution had not seen fit to mention that historic development in the text. He would have preferred to see positive references to that process with an exhortation to all parties to negotiate in good faith. Lastly, he urged all delegations to work towards the adoption at the next session of a balanced text acceptable to all countries.

68. Mrs. BAIARDI (Paraguay) said that her delegation had abstained in the vote on draft resolution A/C.3/46/L.10/Rev.1 because, although her country supported the substance of the text, it had serious reservations concerning wording which did not promote a favourable atmosphere for bringing about a lasting solution.

69. Mr. ALFARO-PINEDA (El Salvador) said that the fact that his delegation had abstained in the vote did not in any way imply opposition on its part to the right of peoples to self-determination. His country could not support the use of certain controversial references which did not contribute to the search for peace in the Middle East. In future, the draft resolution on that item should take account of developments resulting from efforts by the international community to arrive at a satisfactory agreement among those directly concerned.

70. Mr. STUART (Australia) said that his delegation had abstained in the vote on draft resolution A/C.3/46/L.10/Rev.1. Although Australia firmly supported the principle of self-determination, it could not vote in favour of the draft resolution, because the text contained formulations that were unconstructive and outdated. The language relating to the situation in the Middle East was one-sided and would not be helpful in the context of the peace process under way. The wording of some of the preambular and operative paragraphs, including paragraphs 5 and 6, was not consistent with his country's policy on the Middle East, which was based on its total commitment to the right of Israel to exist within secure and recognized boundaries and the right of the Palestine people to self-determination. Furthermore, some of the references

(Mr. Stuart, Australia)

to South Africa retained from earlier resolutions did not encourage change in that country.

71. It was regrettable that the draft resolution did not fully take into account the important changes that had occurred in South Africa, changes which had vindicated the long-standing and implacable opposition to apartheid by the democratic opposition forces. Moreover, the wording of paragraph 15 was ambiguous. Australia's policy on maintaining international pressure for the elimination of apartheid was in full support of the position taken by the Commonwealth countries at the meeting in Harare in October 1991.

72. Mr. SUAZO (Honduras) said that he had voted in favour of the draft resolution in accordance with his country's basic position in support of the right of peoples to self-determination. Nevertheless, Honduras would have welcomed language that was more constructive and more accurately reflected the changes that had occurred in the Middle East and efforts to bring about a negotiated solution in the region. If the Committee had voted on the draft resolution paragraph by paragraph, he would have abstained or voted against certain of them. His Government fully recognized the principle of self-determination and believed that principle should not be applied in a selective manner to certain regions or countries. He reaffirmed his delegation's full support for the peaceful settlement of international and regional disputes and conflicts and hoped that the Madrid Conference would lead to complete and lasting peace in the Middle East.

73. Ms. KOVALJSKA (Ukraine) said that her country consistently supported the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples. Nevertheless, she had abstained in the vote because the draft resolution did not take due account of the changes that had occurred in the international climate, which had enhanced the importance of peaceful means for the settlement of conflicts, particularly in the Middle East and South Africa.

74. Ms. COOMBS (New Zealand) said that her delegation had abstained in the vote on the draft resolution because the text did not reflect the positive changes that had occurred in South Africa over the past year and failed to take a more forward-looking and responsive approach, especially in paragraph 15. New Zealand supported the Commonwealth's phased approach to the relaxation of sanctions against South Africa agreed upon by the Commonwealth countries in Harare in October 1991. Under that approach, the easing of pressure was carefully measured against real and practical steps to eliminate apartheid. In that way, the Commonwealth countries would be in a good position to exert influence on South Africa in order to bring about a non-racial, democratic State. In order to be successful, United Nations efforts must take account of positive developments in that country. With regard to the Middle East, her country supported a peaceful settlement embodying the principles laid down in Security Council resolution 242 (1967). The references in the draft resolution to the Middle East did not reflect the steps recently taken in the search for lasting peace in the region.

75. Mr. PARSHIKOV (Union of Soviet Socialist Republics) said that, although his delegation had been unable to support the draft resolution, that did not mean that it was calling into question the universal right of peoples to self-determination. It was regrettable that, in spite of the considerable efforts made by a number of delegations to find generally acceptable formulations, the sponsors nevertheless had included provisions which did not reflect the radical changes that had come about in the world and in specific regions. In particular, the draft resolution failed to take due account of the positive changes in South Africa and did not even refer to the holding of the Madrid Conference.

76. Mrs. MBELLA NGOMBA (Cameroon) said that, if her delegation had been present for the vote on draft resolution A/C.3/46/L.10/Rev.1, it would have voted in favour of it. She regretted that it had not been possible to reach a consensus during the negotiations. Nevertheless, her delegation was aware of the difficulties of reaching agreement with regard to wording.

77. Mr. HABIJAKARE (Rwanda) said that, if his delegation had been present, it would have voted in favour of the draft resolution.

78. Mr. CALAFETEANU (Romania) said that his country had always condemned all forms of racial discrimination, particularly apartheid. Romania had firmly supported efforts to resolve the conflict between Israel and its Arab neighbours on the basis of full respect for the legitimate rights of all parties concerned. The recent changes in South Africa and the Middle East were of the utmost importance. In South Africa, the legislative basis for apartheid had been eliminated and there was a possibility to bring about the complete abolition of the apartheid regime by peaceful means through negotiations and establish a non-racial, democratic State where all South Africans enjoyed equal rights. The Madrid Conference, which for the first time had brought together Israel and Arab countries, provided grounds for optimism. None of those fundamental changes had been adequately reflected in the draft resolution.

79. Furthermore, a fundamental purpose of the United Nations was to promote peace, dialogue and understanding among Member States. The draft resolution was not in keeping with those lofty goals. His delegation noted with deep regret certain paragraphs in the text which impeded efforts to bring about a peaceful and lasting solution for all concerned. At the same time, Romania understood most of the concerns expressed in the draft resolution and fully recognized the importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples.

80. Mrs. OUEDRAOGO (Burkina Faso) said that, if her delegation had been present for the vote, it would have voted in favour of draft resolution A/C.3/46/L.10/Rev.1.

81. Mr. Al-KIDWA (Observer for Palestine) expressed appreciation to all the delegations which had supported the right of the Palestinian people to self-determination and the struggle of the people of South Africa for the elimination of apartheid and the establishment of a democratic government in that country. He hoped that the international community's support for the legitimate right of the Palestinian people to self-determination would increase because that was the true guarantee for bringing about lasting peace in the Middle East and that in future, it would be possible to reach a consensus in support of the right of all peoples to self-determination, particularly in Palestine and South Africa, in order to establish a new world order and guarantee the universal rights of all peoples.

82. The Palestine Liberation Organization had welcomed the holding of the Madrid Conference. He agreed with all those who had referred to the need to promote the success of the Conference and the peace process that had begun. The Conference had been an important event and should be given its due place in a draft resolution dealing with the question of peace. Efforts to promote peace should be in accordance with the positions taken by the General Assembly.

83. The United Nations should give a clear signal to the heroic Palestinians who had participated in the Madrid Conference indicating that they were right and the international community still supported the Palestine cause. The Israeli occupier must change its position and recognize the rights of the Palestinian people, particularly its right to self-determination. The Madrid Conference should not be used to legitimize Israel's occupation or its rejection of the inalienable rights of the Palestine people. He hoped that it would be possible to reach a consensus on the draft resolution on that item in future.

84. Miss DIOP (Senegal) and Mrs. SIMON (Vanuatu) said that, if their delegations had been present for the vote, they would have voted in favour of draft resolution A/C.3/46/L.10/Rev.1.

85. Mr. FISSENKO (Belarus) said that, although his country supported the right of peoples to self-determination, it had been unable to vote in favour of the draft resolution because the text failed to take due account of the changes that had occurred in the world and did not contain balanced formulations. Accordingly, his delegation had abstained.

Draft resolution A/C.3/46/L.12

86. The CHAIRMAN noted that Guatemala, Kuwait and Cape Verde had joined the list of sponsors of the draft resolution.

87. Draft resolution A/C.3/46/L.12 was adopted without a vote.

88. Miss MEHTA (India), explained that her delegation had not opposed the adoption of the draft resolution, but wished to make clear that it maintained its position regarding article 1 of the International Covenant on Economic, Social and Cultural Rights, in which, in its view, the words "the right to self-determination" applied only to peoples under foreign domination and did not apply to sovereign national States or to a section of a people or nation.

Draft resolution A/C.3/46/L.13/Rev.1

89. The CHAIRMAN reminded the Committee that paragraph 10 of the draft resolution had been orally amended by the representative of Nigeria to read:

> "Requests the Special Rapporteur of the Commission on Human Rights to report to the General Assembly at its forty-seventh session on the use of mercenaries, especially in view of the additional elements highlighted in his report."

90. Mr. VAN DER HEIJDEN (Netherlands), speaking in explanation of vote on behalf of the States members of the European Community, noted that the Special Rapporteur in his preliminary report had adopted a much broader subject range than the agenda item called for. The Twelve condemned unequivocally the recruitment, use or financing of mercenaries and understood the concerns which had led to the submission of the draft resolution. They were nevertheless unable to support it, for reasons of both substance and principle. Although the draft welcomed the adoption of the Convention, the sponsors had again introduced into the text controversial political considerations extraneous to the Convention itself.

91. The Twelve noted with regret that endeavours to change the text had not been successful. At the most recent sessions of the Commission on Human Rights and the Economic and Social Council, a pattern of change in the resolutions on the issue had been established. The Twelve had hoped that that pattern could be continued at the current session of the General Assembly. They wished also to reiterate their long-standing objections to the framework in which the question of mercenaries was being discussed. As far as they were concerned, that was a matter concerning relations between States rather than a human rights issue.

92. Ms. DINH THI MINH HUYEN (Viet Nam) said her delegation had for several years co-sponsored the draft resolutions corresponding to the one currently under discussion, but had withdrawn its sponsorship because of the unsubstantiated statement made in the Special Rapporteur's report on the role of Vietnamese volunteers in Cambodia. Its withdrawal of sponsorship in no way altered her delegation's continued opposition to the use of mercenaries.

93. A recorded vote was taken on draft resolution A/C.3/46/L.13/Rev.1.

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Belgium, France, Germany, Israel, Italy, Japan, Luxembourg, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Argentina, Australia, Austria, Belarus, Bulgaria, Canada, Czechoslovakia, Denmark, El Salvador, Estonia, Finland, Greece, Hungary, Iceland, Ireland, Latvia, Liechtenstein, Lithuania, Malta, New Zealand, Norway, Paraguay, Poland, Romania, Spain, Sweden, Turkey, Union of Soviet Socialist Republics.

94. Draft resolution A/C.3/46/L.13/Rev.1 was adopted by 106 votes to 11, with 29 abstentions.

95. Mr. LINDGREN (Brazil) said that his delegation had voted in favour of the draft resolution because it supported its main thrust but wished to state that the fifth preambular paragraph was too sweeping and might be misleading. The conditions under which any dispute could be deemed to constitute a threat to international peace and security were clearly stated in the Charter.

96. Mr. TROTTIER (Canada) said that his delegation had abstained in the vote because it felt that the issue could have been dealt with by consensus. It regretted that the sponsors had chosen not to build on the consensus already established in the corresponding resolution adopted by the Commission on Human Rights.

97. Mr. BURCVOGLU (Turkey) said that his delegation had abstained in the vote on the draft resolution, the wording of which was not conducive to consensus.

98. Mr. MARKS (United States of America) said that his delegation had voted against the draft resolution. Although it opposed the use of mercenaries, it considered that, as compared with other serious problems facing the Third Committee, the scale of the problem was diminishing. Moreover, his delegation strongly opposed any attempt to stretch the definition of the term "mercenary" in order to achieve extraneous political ends. The term had been clearly defined in Additional Protocol I to the Geneva Conventions of 1949. It noted also that the Convention on Mercenaries had been adopted and was open for signature.

99. Mr. STUART (Australia) said that his delegation had abstained in the vote. It regretted that the sponsors had retained language from General Assembly resolution 45/132 which his delegation was unable to support, instead of adopting the language of the more recent resolution of the Commission on Human Rights.

100. Mr. PARSHIKOV (Union of Soviet Socialist Republics) said that his delegation had abstained in the vote but reserved its right to speak on the subject during the vote in the plenary Assembly.

101. Mr. ALFARO-PIÑEDA (El Salvador) said that his delegation had abstained in the vote although it opposed the use of mercenaries because the term "national liberation movement" was often used by terrorist movements which tried to overthrow democratically elected Governments by violent means.

102. The CHAIRMAN said that the Committee had thus concluded its consideration of item 93.

AGENDA ITEM 94: SOCIAL DEVELOPMENT (continued)

(a) QUESTIONS RELATING TO THE WORLD SOCIAL SITUATION AND TO YOUTH, AGEING, DISABLED PERSONS AND THE FAMILY (continued) (A/C.3/46/L.18)

Draft resolution A/C.3/46/L.18

103. Draft resolution A/C.3/46/L.18 was adopted without a vote.

The meeting rose at 12.35 p.m.